

IN THE CLAIMS

Please amend the claims as follows:

Claims 1-22 (Canceled).

Claim 23 (Currently Amended): A payment system for controlling continued use of a software program by a user, comprising:

a terminal configured to access software stored on a computer readable storage linked thereto, [[and]] the terminal including

control means for periodically determining a payment for continued use of the software analyzing conditions based on previous use of the software to determine whether a further payment relating to the software is required for continued use,

the terminal being [[and]] configured to generate and transmit an offer a first message, which is an offer message, containing at least an identity of [[the]] a software owner, offer parameters and a digital signature of the software owner for at least part of the offer parameters;

a payment module linked to the terminal and configured to receive the offer first message, display the offer first message, receive an acceptance from [[of]] the software user, compose generate a payment request second message requesting payment, the payment request message including which includes at least the identity of the user and of the software owner together with proof of the user acceptance, and configured to transmit the payment request second message; and

a message and payment processing system configured to receive the payment request second message, verify the proof of user acceptance, record the payment request with at least the identity of the user and of the software owner and the amount to be paid, credit the owner with the amount to be paid, the message and payment processing system generating

~~configured to compose a payment settlement third message which serves as a payment settlement message, the third message~~ containing at least the identity of the message and payment processing system and a digital signature for proof of payment; and to transmit the payment settlement third message therefrom,

wherein the payment module is configured to receive the payment settlement third message and to transmit to the control means for determining of the terminal, the control means for determining verifying the digital signature for proof of payment relative to the offer parameters of the offer first message and authorizing continued use of the software program upon verification.

Claim 24 (Currently Amended): The system in accordance with claim 23, wherein whereby the digital signature of the owner of at least part of the offer, and the digital signature for proof of payment are both public key signatures with certification trees, so that an authority defines a root of the certification tree containing different system participants, including a software owner and the message and payment processing system, and one or more certificates are attached to the offer first and payment settlement third messages for signature checking.

Claim 25 (Currently Amended): The system in accordance with claim 23, wherein whereby the message and payment processing system further comprises:
a remote payment server linked to the payment module by a telecommunications network, and whereby said remote payment server receives and processes the payment request second message and composes and sends the payment settlement third message; the remote payment server calculates a total consumption of each user for all software owners in

order to impose payment by said user and causes the sums owned to each software owner to be transferred by all of the users.

Claim 26 (Currently Amended): The system in accordance with claim 23, wherein ~~whereby~~ the message and payment processing system further comprises:

~~secure means for receiving the payment request message, the secure means containing at least the identity of the user; said means are additionally able to receive the second message, the secure means checking check the proof of the user acceptance, the secure means recording record the payment request and composing compose the third message, payment settlement message, the secure means transferring transfer the payment settlement third message, and also includes the secure means including a remote payment server able to credit the software owner.~~

Claim 27 (Currently Amended): The system in accordance with claim 26, wherein ~~whereby~~ the secure means include a smart card reader with a smart card containing the identity of the user user's identity, and whereby the reader and card receiving are able to receive the second payment request message, checking check the proof of the user acceptance, recording record the payment request and compose the third generating the payment settlement message.

Claim 28 (Currently Amended): The system in accordance with claim 27, wherein ~~whereby~~ the card is [[of]] a prepay card type and contains a balance and ~~whereby the card debits is able to debit~~ the balance with the request amount at each payment request.

Claim 29 (Currently Amended): The system in accordance with claim 28, wherein ~~whereby the a prepay card message is inserted into the payment settlement third message as proof that the requested amount has been debited from the card.~~

Claim 30 (Currently Amended): The system in accordance with claim 28, wherein ~~whereby the prepay card updates is able to update a file containing settled requests and corresponding amounts, and whereby the payment settlement message is sent upon update of the once this file has been updated.~~

Claim 31 (Currently Amended): The system in accordance with claim 30, wherein ~~whereby the prepaid card transfers is able to transfer the file to the remote payment server, the remote payment server [[for]] transferring funds to the software owners.~~

Claim 32 (Currently Amended): The system in accordance with claim 28, wherein ~~whereby the prepay card is an of the electronic wallet card type.~~

Claim 33 (Currently Amended): The system in accordance with claim 27, wherein ~~whereby the card is [[of]] a post-pay card type.~~

Claim 34 (Currently Amended): The system in accordance with claim 33, wherein ~~whereby the post-pay card updates update a file containing settled requests and corresponding amounts, and whereby the payment settlement message is sent upon update of the once this file has been updated.~~

Claim 35 (Currently Amended): A system in accordance with claim 34, wherein whereby the file is transferred to the remote payment server, the remote payment server transferring funds to the software owners.

Claim 36 (Currently Amended): A payment method for controlling continued use of a software program by a user, comprising:

periodically determining a payment for continued use of the software analyzing conditions based on previous use of the software to determine whether a further payment relating to the software is required for continued use;

generating an offer a first message, which is an offer message, containing at least identity of the software owner, offer parameters and the owner's digital signature for at least part of the offer; and transmission of the said first

transmitting the offer message to a payment module of [[the]] a terminal storing the software;

reception and display receiving and displaying, under control of [[by]] the payment module, the offer of said first message;

reception by receiving, at the payment module, [[of]] an acceptance [[of]] from the user; [[and,]]

composition by generating, at the payment module, a payment request of a second message requesting payment, following the user acceptance, the payment request message containing at least identity of the user and of the software owner together with proof that the user accepts the offer;

transmission transmitting, by said module, of said second the payment request message to a message and payment processing system;

~~reception by receiving, at the payment module, a payment settlement of a third message, which is a payment settlement message, from the processing means of message and payment processing system, [[;]] the third payment settlement message containing at least the identity of the message and payment and a digital signature constituting proof of payment;~~

~~transmission transmitting, by the payment module, the payment settlement of said third message to control means of the terminal;~~

~~verifying, by the control means, [[of]] the digital signature constituting proof of payment against the offer parameters contained in the offer first message; and~~

~~authorization of continuation authorizing continued of the use of the software program upon correct verification.~~

Claim 37 (Currently Amended): A terminal for enabling control of the continued use of a software program the terminal comprises:

~~control means for periodically determining a payment for continued use of the software analyzing conditions based on previous use of the software, the control means to determine whether a further payment is required for continued use; for and for generating an offer a first message offering use of the software and said first message containing at least identity of the software owner, offer parameters and the digital signature of the owner for at least part of the offer, the control means [[for]] transmitting the offer first message to a payment module of the terminal;~~

~~the payment module including comprising:~~

~~receiving means for receiving the said offer first message,~~

~~display means for displaying the offer first message;~~

~~reception means for receiving [[the]] acceptance from [[of]] the user;~~

constituting means ~~of the payment module~~ for constituting a payment request ~~second~~ message requesting payment and [[,]] containing at least the identity of user and of the software owners together with proof that the user accepts the offer;

transmission means for sending said payment request ~~second~~ message from payment module to message and payment processing means;

reception means ~~of the payment module~~ for receiving a payment settlement ~~third~~ message, ~~which is a payment settlement message~~, from the of message and payment processing system, [[;]] the payment settlement ~~third~~ message containing at least the identity of the of message and payment processing system and a digital signature constituting proof of payment;

transmission means for resending by the payment module said payment settlement ~~third~~ message to the control means;

verifying means for verifying by the control means digital signature constituting proof of payment against the offer parameters contained in the offer ~~first~~ message;

authorization means for authorizing continued continuation of the use of the software program upon in case of verification.